

**In re: REGINALD DWIGHT PARR.  
AWA Docket No. 99-0022.  
Order Lifting Stay.  
Filed April 3, 2002.**

Brian Thomas Hill, for Complainant.  
Greg Gladden, for Respondent.  
*Order issued by William G. Jenson, Judicial Officer.*

On August 30, 2000, I issued a Decision and Order: (1) concluding Reginald Dwight Parr [hereinafter Respondent] willfully violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) [hereinafter the Animal Welfare Act], and the regulations and standards issued under the Animal Welfare Act (9 C.F.R. §§ 1.1-3.142) [hereinafter the Regulations and Standards]; (2) ordering Respondent to cease and desist from violating the Animal Welfare Act and the Regulations and Standards; (3) assessing Respondent a \$7,050 civil penalty; and (4) suspending Respondent's Animal Welfare Act license for 3 years 6 months. *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000).

On January 2, 2001, Respondent filed a Motion for Stay Pending Review requesting a stay of the Order in *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000), pending the outcome of proceedings for judicial review. On January 25, 2001, I granted Respondent's request for a stay pending the outcome of proceedings for judicial review. *In re Reginald Dwight Parr*, 60 Agric. Dec. 232 (2001) (Stay Order).

The United States Court of Appeals for the Fifth Circuit affirmed *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000). *Parr v. United States Dep't of Agric.*, 273 F.3d 1095 (5th Cir. 2001) (Table) (per curiam). Neither the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter Complainant], nor Respondent sought further judicial review of *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000). Neither Complainant nor Respondent requested that I lift the January 25, 2001, Stay Order. On March 4, 2002, I issued an Order to Show Cause why I should not lift the January 25, 2001, Stay Order and make effective the Order in *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000). *In re Reginald Dwight Parr*, 61 Agric. Dec. \_\_\_\_ (Mar. 4, 2002) (Order to Show Cause).

Neither Complainant nor Respondent filed a response to the March 4, 2002, Order to Show Cause. On April 1, 2002, the Hearing Clerk transmitted the record to the Judicial Officer to consider whether to lift the January 25, 2001, Stay Order and make effective the Order in *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000).

Proceedings for judicial review of *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000), are concluded. Neither Complainant nor Respondent has shown cause why I should not lift the January 25, 2001, Stay Order and make effective the Order

in *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000). Therefore, the Stay Order issued January 25, 2001, is lifted and the Order issued in *In re Reginald Dwight Parr*, 59 Agric. Dec. 601 (2000), is effective as follows:

### **ORDER**

1. Respondent, his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Animal Welfare Act and the Regulations and Standards and shall cease and desist from:

a. Constructing and maintaining housing facilities for animals that are not structurally sound and in good repair to protect the animals from injury, to contain the animals securely, and to restrict other animals from entering;

b. Failing to provide animals kept outdoors with shelter from inclement weather;

c. Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required; and

d. Failing to establish and maintain a written program of veterinary care, as required.

The cease and desist provisions of this Order shall become effective on the day after service of this Order on Respondent.

2. Respondent is assessed a \$7,050 civil penalty. The civil penalty shall be paid by certified check or money order, made payable to the Treasurer of the United States. Respondent shall send the certified check or money order to:

Brian Thomas Hill  
United States Department of Agriculture  
Office of the General Counsel  
Marketing Division  
1400 Independence Avenue, SW  
Room 2343-South Building  
Washington, DC 20250-1417

The certified check or money order shall be sent to, and received by, Mr. Hill within 60 days after service of this Order on Respondent. Respondent shall state on the certified check or money order that payment is in reference to AWA Docket No. 99-0022.

3. Respondent's Animal Welfare Act license is suspended for a period of 3 years 6 months and continuing thereafter until Respondent demonstrates to the Animal and Plant Health Inspection Service that Respondent is in full compliance with the Animal Welfare Act, the Regulations and Standards, and this Order, including payment of the civil penalty assessed in this Order. When Respondent

demonstrates to the Animal and Plant Health Inspection Service that he has satisfied the conditions in this paragraph of this Order, a Supplemental Order will be issued in this proceeding, upon the motion of the Animal and Plant Health Inspection Service, terminating the suspension of Respondent's Animal Welfare Act license after the expiration of the 3-year 6-month license suspension period.

The Animal Welfare Act license suspension provisions of this Order shall become effective on the 60th day after service of this Order on Respondent.

4. In order to facilitate the care of animals during the suspension of Respondent's Animal Welfare Act license, Respondent may sell any animals under his control on the effective date of this Order. Respondent shall notify the Animal and Plant Health Inspection Service in writing at least 10 days prior to any such sale and shall specify the species and identification number of each animal, its location, the prospective buyer, the time that the animal will be moved, and the method of transportation. This information shall be provided to: Dr. Walt Christensen, Director, Central Region, USDA, APHIS, ANIMAL CARE, P.O. Box 915004, Fort Worth, Texas 76115-9104 (Telephone number (817) 885-6923). This paragraph does not modify the suspension of Respondent's Animal Welfare Act license, as provided in paragraph 3 of this Order, and shall not be construed as allowing Respondent to acquire any new animals for regulated activities, the sale and purchase of which is regulated by the Animal Welfare Act and the Regulations.

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